## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

ANNA T.,	§	
Plaintiff,	Š	
	§	1:22-CV-00715-ADA
<i>v</i> .	§	
	§	
GOLDEN RULE INSURANCE	§	
COMPANY and	Š	
UNITEDHEALTHCARE	Š	
INSURANCE COMPANY,	Ü	
Defendant.		

## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Susan Hightower. ECF No. 41. The report recommends that this Court grant in part and deny in part Defendant UnitedHealthcare Insurance Company's Motion to Dismiss (ECF No. 27). The report and recommendation was filed on October 12, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

When no objections are timely filed, a district court reviews the magistrate judge's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court has reviewed the report and recommendation and finds no clear error.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Hightower (ECF No. 41) is **ADOPTED**.

IT IS FURTHER ORDERED consistent with Magistrate Judge Hightower's recommendations that:

- Defendant's Rule 12(b)(2) Motion to Dismiss for lack of personal jurisdiction is **DENIED** without prejudice;
- Defendant's Rule 12(b)(6) Motion to Dismiss Plaintiff's Misrepresentation claims under the TIC is **GRANTED**;
- and Defendant's Rule 12(b)(6) Motion to Dismiss Plaintiff's unfair settlement practices claims under the TIC are **DENIED**.

**SIGNED** this 28th day of December, 2023.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE